

**Lynch & Associates, P.C.**

A PROFESSIONAL CORPORATION  
425 G Street, Suite 420  
Anchorage, Alaska 99501  
Phone: (907) 276-3222  
Fax: (907) 278-9498

Timothy M. Lynch  
LYNCH & ASSOCIATES, P.C.  
425 G Street, Suite 420  
Anchorage, Alaska 99501  
(907) 276-3222 telephone  
(907) 278-9498 facsimile  
[tlynch@northlaw.com](mailto:tlynch@northlaw.com)

**RECEIVED**

SEP 09 2013

**CLERK, U.S. DISTRICT COURT  
ANCHORAGE, A.K.**

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA ANCHORAGE

JERRY L. DUBOIS )  
Plaintiff, )  
v. )  
COEUR ALASKA INC.; d/b/a )  
KENSINGTON MINE; COEUR MINING, )  
INC.; and COEUR D'ALENE MINES )  
CORPORATION. )  
Defendants. )  
\_\_\_\_\_  
Case No. 3:13-cv-00177 - JWS

**NOTICE OF REMOVAL OF ACTION IN ACCORDANCE WITH  
28 U.S.C. § 1337(a) and IN THE ALTERNATIVE  
28 U.S.C. § 1441 BASED ON DIVERSITY**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that the defendants, Coeur Mining, Inc. f/k/a Coeur d'Alene Mines Corporation and its wholly owned subsidiary, Coeur Alaska, Inc. hereby remove to this court the state court action described in Paragraph 1 below. Coeur d'Alene Mines Corporation ceased to exist as a separate corporate entity on May 15, 2013 when it converted from an Idaho corporation to a Delaware corporation.

1. On or about August 9, 2013, an action was commenced in the Superior Court of the State of Alaska, Third Judicial District at Anchorage entitled *Jerry L. DuBois, Plaintiff, v. Coeur Alaska, Inc.; d/b/a Kensington Mine; Coeur Mining, Inc., and Coeur d'Alene Mines Corporation*, bearing case number 3AN-13-8735CI.

2. The complaint alleges that plaintiff was injured while at the Kensington Mine owned and operated by the defendants.

3. Defendants were served with the Summons and Complaint on or about August 12, 2013.

4. Plaintiff is a resident of the State of Alaska.

5. Defendants are residents of the State of Delaware having been incorporated in accordance with the laws thereof.

6. The defendants who are legal entities are incorporated in and have their principal places of business in states other than the State of Alaska, where this action was filed.

7. The amount of compensatory damages that the plaintiff seeks for past and future (a) pain and suffering, (b) mental anguish, (c) medical expenses, (d) disfigurement, (e) physical impairment, (f) lost wages (g) inconvenience, (h) lost time, (i) impairment of earning capacity, (j) loss of enjoyment of life, (k) diminished ability to enjoy other physical pursuits, and (l) non-economic losses are not quantified in the complaint.

8. AS 22.15.030(a)(1) sets a jurisdictional limit of \$100,000 exclusive of costs, interest and attorney fees for civil actions to recover money or damages filed in Alaska State District Court.

9. AS 22.10.020(a) requires that "an action that falls within the concurrent jurisdiction of the superior court and the district court may not be filed in the superior court, except as provided by rules of the supreme court."

10. Alaska Administrative Rule 45(a) states: "**Mandatory Filing.** A civil action that falls within the concurrent jurisdiction of the superior court and the district court shall be filed in the district court (except for a petition for injunctive relief under AS 25.35.010 or 25.35.020)."

11. By filing in the superior court, plaintiff has confirmed that his claim is for a minimum of \$100,000 exclusive of interest, costs and attorney fees.

12. Complete diversity of citizenship exists between the plaintiff and the defendants.

13. Pursuant to 28 U.S.C. §1332, this is a civil action wherein the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

14. This court has original jurisdiction pursuant to 28 U.S.C. §1332(a)(1).

15. As a result, this action is one which may be removed to this court pursuant to the provisions of 28 U.S.C. §1441(a) and (b).

16. Defendants attach copies of all state court documents which have been filed in this action as follows:

- A. Case Description – Superior Court;
- B. Complaint;
- C. Summons and Notice to Both Parties of Judicial Assignment –  
Coeur Mining, Inc.;

- D. Summons and Notice to Both Parties of Judicial Assignment – Coeur d'Alene Mines Corporation;
- E. Summons and Notice to Both Parties of Judicial Assignment – Coeur Alaska, Inc.;
- F. Counsel of Record;
- G. Demand for Jury Trial;
- H. Civil Rule 4(f) Affidavit of Service;
- I. Entry of Appearance by Defendants;
- J. Answer to Complaint;
- K. Initial Pretrial Order;
- L. Notice to State Court of Removal of Civil Action.

17. This notice of removal is timely because it is brought within thirty (30) days of the service of plaintiffs' complaint on defendants.

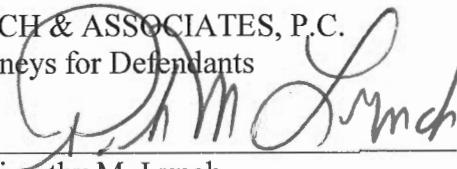
18. A notice of the filing of this Notice of Removal will be filed with the Superior Court of the State of Alaska, Third Judicial District at Anchorage and served upon plaintiff.

THEREFORE, the defendants, Coeur Mining, Inc. f/k/a Coeur d'Alene Mines Corporation and its wholly owned subsidiary, Coeur Alaska, Inc. hereby remove to this court the action filed in the Superior Court of the State of Alaska, Third Judicial District at Anchorage entitled *Jerry L. DuBois, Plaintiff, v. Coeur Alaska, Inc.; d/b/a Kensington Mine; Coeur Mining, Inc.; and Coeur d'Alene Mines Corporation*, bearing case number 3AN-13-8735CI.

//

RESPECTFULLY submitted at Anchorage, Alaska this 9<sup>th</sup> day of September, 2013.

LYNCH & ASSOCIATES, P.C.  
Attorneys for Defendants

By : 

Timothy M. Lynch  
LYNCH & ASSOCIATES, P.C.  
425 G Street, Suite 420  
Anchorage, AK 99501  
(907) 276-3222  
(907) 278-9498  
[tlynch@northlaw.com](mailto:tlynch@northlaw.com)  
Alaska Bar No. 7111030

**Lynch & Associates, P.C.**

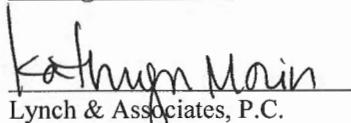
A PROFESSIONAL CORPORATION  
425 G Street, Suite 420  
Anchorage, Alaska 99501  
Phone: (907) 276-3222  
Fax: (907) 278-9498

Certificate of Service

I hereby certify that on the 9<sup>th</sup> day of September, 2013,  
I caused a true and correct copy of the foregoing  
to be served via:

       : CM/ECF  : U.S. Mail        : Facsimile        : Hand Delivery        : E-Mail

D. Kevin Williams  
Law Offices D. Kevin Williams  
310 K Street, Suite 200  
Anchorage, Alaska 99501  
(907) 264-6602  
[lodkw@outlook.com](mailto:lodkw@outlook.com)

  
Kathryn Main  
Lynch & Associates, P.C.

Notice of Removal of Action  
*Dubois v. Coeur Alaska Inc., et al.*

Page 5 of 5

Case No. 3:13-cv-\_\_\_\_\_